

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office OCT 9 1986

Returned to applicant for correction _____

Corrected application filed _____ Map filed OCT 9 1986

The applicant Walter J. and Brenda S. Gardner

Ruby Valley of Wells
Street and No. or P.O. Box No. City or Town

Nevada 89835 hereby makes application for permission to change the
State and Zip Code No.

Point of Diversion and Place of Use
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 31147
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.)

1. The source of water is Underground Well
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 6.0 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Irrigation
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Irrigation
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T 31 N, R 59 E,
Describe as being within a 40-acre subdivision of public survey and by course and
MDB & M., at a point from which the SW corner of said Section 14 bears S 64°
distance to a section corner. If on unsurveyed land, it should be stated.
29' 04" W, 3077.88 feet.

6. The existing permitted point of diversion is located within SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T 31 N, R 59 E,
If point of diversion is not changed, do not answer.
MDB & M., at a point from which the SW corner of said Section 14 bears S 68°
33' 54" W, 3293.49 feet.

7. Proposed place of use Portions of SW $\frac{1}{4}$ NW $\frac{1}{4}$, Portions of W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13, Portions of
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, Portions of S $\frac{1}{2}$ NW $\frac{1}{4}$, Portions of S $\frac{1}{2}$ Section 14, T 31 N, R 59 E, MDB & M.,
(318.02 acres)

8. Existing place of use Acreage to be removed from Irrigation N $\frac{1}{2}$ N $\frac{1}{2}$ (160 acres), Section
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
23, T 31 N, R 59 E, MDB & M., SW $\frac{1}{4}$ SW $\frac{1}{4}$ (37.72 acres), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (10.57 acres)
manner of use of irrigation permit, describe acreage to be removed from irrigation.
Section 14, T 31 N, R 59 E, MDB & M. Total 208.29 acres.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Well, Pipelines and Sprinkler System.
State manner in which water is to be diverted, i.e. diversion structure, ditches,
pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$20,000.00

13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use..... 5 years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is to correct the location of the Point of Diversion, which was drilled in a different 40 acres and is over 300 feet from the permitted Point of Diversion. The Place of Use is to be co-mingled with the waters of Permit 49280. The Place of Use is deeded land and lands acquired by Desert Land Entry.....

By s/Alan S. Boyack.....

Alan S. Boyack, Agent
515 South Fifth Street
Elko, Nevada 89801

Compared jik/bl..... pm/se.....

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 31147 is issued subject to the terms and conditions imposed in said Permit 31147 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 50263 and 50264 shall not exceed 1272.08 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The combined diversion rate under Permits 50263 and 50264 is limited to 5.4 c.f.s.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 5.4..... cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.....

Work must be prosecuted with reasonable diligence and be completed on or before..... September 13, 1987.

Proof of completion of work shall be filed before..... October 13, 1987.

Application of water to beneficial use shall be made on or before..... September 13, 1988.

Proof of the application of water to beneficial use shall be filed on or before..... October 13, 1988.

Map in support of proof of beneficial use shall be filed on or before..... October 13, 1988.

Completion of work filed..... OCT 15 1987..... IN TESTIMONY WHEREOF, I..... PETER G. MORROS.....

Proof of beneficial use filed..... OCT 18 1986..... State Engineer of Nevada, have hereunto set my hand and the seal of

Cultural map filed..... OCT 9 1986..... my office, this..... 9th..... day of..... June.....

Certificate No. 12484 Issued JUL 10 1990..... A.D. 19..... 87.....